

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

DT02

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APPLICATION NO. (If known, see 37 CFR 1.5)

PCT/PTO

19 JAN 2005

10/521891

INTERNATIONAL APPLICATION NO.

PCT/EP2003/007902

INTERNATIONAL FILING DATE

19 July 2003 (14.07.03)

PRIORITY DATE CLAIMED

19 July 2002 (19.07.02)

TITLE OF INVENTION

ISOMALTULOSE-CONTAINING INSTANT BEVERAGE POWDER

APPLICANT(S) FOR DO/EO/US

Tillmann DÖRR et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☒ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An Executed oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☒ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11 to 20 below concern other document(s) or information included:**

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information (*specify*): 10 sheets of drawings; EFS form; Inventor Designation Sheet; postcard; Front Sheet of the Publication, English Translation of the Front Sheet of the Publication, English Translation of the IPER and annexes

**EXPRESS MAIL CERTIFICATE**

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Post Office to Addressee (mail label # EV 343722030US) in an envelope addressed to: Box PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 14, 2005:

Name of Person Mailing Correspondence: Dorothy Jenkins

Signature

*Dorothy Jenkins*

Date of Signature: January 19, 2005

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) <div style="font-size: 1.5em; font-weight: bold;">10/521891</div>		INTERNATIONAL APPLICATION NO. <b>PCT/FR2003/00001750</b>		ATTORNEY'S DOCKET NUMBER <b>P/2107-261</b>	
21. The following fees are submitted:				<div style="border: 1px solid black; padding: 2px; display: inline-block;"> <b>DT01 Rec PCT/</b> </div> <div style="margin-left: 20px;"> <b>19 JAN 2005</b> </div>	
<input checked="" type="checkbox"/> a) Basic national fee.....				\$300.00	\$ 300.00
<input checked="" type="checkbox"/> b) Examination fee.....				\$200.00	\$ 200.00
<input checked="" type="checkbox"/> c) Search fee.....				\$500.00	\$ 500.00
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$1,000.00	\$ 1,000.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.				\$ 0.00	
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250.00	\$ 0.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total Claims	34 - 20 =	14	x \$ 50.00	\$ 700.00	
Independent Claims	3 - 3 =	0	x \$200.00	\$ 000.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00	\$ 00.00	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ 1,700.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	
<b>SUBTOTAL =</b>				\$ 1,700.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$0.00	
<b>TOTAL NATIONAL FEE =</b>				\$ 1,700.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by the appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$ 00.00	
<b>TOTAL FEES ENCLOSED =</b>				\$ 1,700.00	
a. <input checked="" type="checkbox"/> A check (check number <u>9307</u> ) in the amount \$ <u>1,700.00</u> to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. <u>15-0700</u> in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 15-0700. A duplicate copy of this sheet is enclosed. <b>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</b>					
SEND ALL CORRESPONDENCE TO: Mark A. Farley Ostrolenk, Faber, Gerb & Soffen, LLP 1180 Avenue of the Americas New York, New York 10036-8402			<div style="text-align: center;"> </div> <div style="font-size: 0.8em;">             Mark A. Farley              Registration Number: 33,170              Telephone: (212) 382-0700           </div> <div style="text-align: right; margin-top: 5px;"> <u>January 19, 2005</u> </div>		

10/521891  
P/2107-261  
DT01 Rec'd PCT/PTC 19 JAN 2005

INVENTORS DESIGNATION SHEET

TITLE: ISOMALTULOSE-CONTAINING INSTANT BEVERAGE POWDER

This application is a 371 of PCT/EP2003/007902 filed on July 19, 2003:

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